

**E: Philadelphia lead/PM-10 Exceedances**

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**ISSUE/BACKGROUND:**

During the past several years the national ambient air quality standards (NAAQS) for lead and particulate matter (PM-10) have been exceeded in the vicinity of two sources in northeast Philadelphia. The lead NAAQS, a quarterly average, has been exceeded in every quarter since 1988 by factors of up to 15. The 24-hour PM-10 NAAQS has been exceeded by nearly a factor of four. The annual PM-10 NAAQS has been exceeded (in 1993) by as much as a factor of 2.8.

The City of Philadelphia has determined that the primary cause of the NAAQS exceedances is the operation of Franklin Smelting and Refining. On July 6, 1992, EPA issued a call for a revision to Philadelphia's portion of the Pennsylvania State implementation plan (SIP) for lead. Pursuant to the SIP call, a SIP revision addressing the lead problem was due January 6, 1994.

On September 30, 1994, the State of Pennsylvania submitted a lead SIP for Philadelphia. The plan sets emission limits, specifies operational practices and requires additional controls for three sources in the Bridesburg - Port Richmond area of Philadelphia.

**CONCERNS:**

The lead SIP contained demonstrations that the controls required in consent decrees and orders would result in attainment of the lead NAAQS. The lead exceedances, being much greater in proportion to the NAAQS than the PM-10 exceedances, were determined to be dominant. Because the controls for lead would also control PM-10 emissions both lead and PM-10 exceedances should have been eliminated by July 1995. Franklin Smelting, however, has not completed the structural enclosure required by the consent decree and order to be in place by December 31, 1994. Due to Franklin's violation of the City schedule for installation of the enclosure, EPA issued an NOV to Franklin in late March of 1995 and referred the case to the DOJ at the end of FY '95. Negotiations with the Company have been ongoing between Franklin, Phila. AMS, EPA-Air Division, DOJ and the Public Interest Law Center of Philadelphia (PILCOP) during 1996 to the present time. A finalized Consent Decree was signed by the Company on December 8, 1996. Although the magnitude of the exceedances has decreased considerably, exceedances continue to be monitored in the immediate vicinity of Franklin Smelting.

## **CURRENT STATUS:**

The Philadelphia portion of the Pennsylvania SIP was revised to include additional federally-enforceable conditions regarding the Franklin Smelting facility as to training, recordkeeping, revised emission limits, testing requirements and the like. Franklin is in violation of the Decree as well as OSHA lead requirements at the present time and EPA will be issuing additional enforcement orders in the near future.

## **FUTURE ACTION:**

Region III plans to approve the lead SIP revision request as quickly as possible. Approval of the SIP will make the City consent decree and order requirements federally enforceable. Once the federal Consent Decree is executed, it will eventually be lodged with the Court and entered after a period for public comment.

## **POLITICAL IMPLICATIONS:**

It should be noted that one of the three sources specified in the SIP revision request, Anzon, Inc., has announced that it intends to cease operation because of the cost of meeting environmental regulations.

## **ACTIVE CLOCKS/SANCTIONS:**

No sanctions or FIP clocks are presently active.

## **AFFECTED MEMBERS OF CONGRESS:**

Senator Arlen Specter, (R, PA)    Senator Rick Santorum, (R, PA)  
Rep. Robert Borski, (D, PA District 3)

## **ENFORCEMENT CHRONOLOGY**

City Consent Order Construction Date Missed	12-31-94
EPA Inspection of Franklin Facility	3-3-95
EPA Issued Notice of Violation	3-28-95
NOV Conference Held with Franklin	4-20-95
EPA Referred Case to the DOJ	7-11-95
Negotiation Meetings with Franklin	9-18-95 2-23-96

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3-15-96  
3-25-96  
7-10-96

**Regional Shutdowns of Office**

**Early FY96**

**Surveillance at Franklin with Tom Maslany**

**7-17-96**

**Inspection at Franklin**

**12-3-96**

**Consent Decree Signed by Franklin**

**12-9-96**

**Consent Decree Executed**

**Dec. '96**

**Mailed Protocol Approval Letter for Converter 1-21-97**

**Plant Received Letter**

**1-22-97**

**Plant Visit for Update on Construction  
Told Baghouse to be Started that Day**

**1-27-97**

**Plant Visit for Update on Construction  
Told Baghouse not to be Started Up-Need Vendor  
Present-Would be done Thursday, 1-30-97**

**1-28-97**

**Plant Visit for Update on Construction  
At 2:00 PM, the Baghouse was not yet tried out  
as they were still waiting for the Vendor**

**1-30-97**

**Plant Visit for Update on Construction-Consent Decree required everything to be done by this date. I spoke to Mr. Conover of Citadel Const. and Art Pickwell of Franklin and they said that the baghouse was started up on both sides-they would tension belts and then run baghouse at half speed till all enclosure work completed. They would work through the weekend to finish enclosure by some point on Monday, Feb. 3, but still had to seal up the building. Decree required Franklin to seal up building as well by Jan. 31, 1997.**

**1-31-97**

**Plant Visit for Update on Construction  
Sheeting largely finished but still some open  
spaces at bottom and around where inlet to baghse  
attaches to enclosure-Citadel to finish this off at**

**2-3-97**

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some point today (Monday) Have been running baghse continuously over weekend in order to finish enclosure.

Consent Decree Lodged	2-4-97
Press Event on Franklin/Lead	2-4-97
Demo was done at Franklin Converter Building	2-20-97
BF Area Enclosure Compliance Demo Protocol Approved	2-28-97
Demo not conducted by Franklin at Enclosure	3-31-97
Conference Call between AMS/EPA/DOJ/PILCOP	April, 1997
Surveillance of Franklin	5-29-97
Inspection of Franklin	7-30-97
Plaintiffs Meeting on Franklin Status	8-20-97
Attempted Inspection of Franklin	8-22-97
Subpoena of Franklin for Information	8-22-97
EPA/OSHA Meeting at OSHA Offices	8-27-97
EPA Delivered 114 Letter and Subpoenas	9-2-97
OSHA Meeting at EPA Offices in Phila.	9-3-97
Internal EPA Meeting with CERCLA	9-8-97
Meeting with Franklin Under Subpoena- Saltzburg and Devlin Did Not Show Up	9-10-97
EPA Visit to Franklin to Assess Document Quantity and Quality-Agreed Not to Sample the following week	9-12-97
Multimedia Inspection Meeting on Franklin	9-15-97
EPA Removed Documents from Franklin for Copying Purposes under Subpoena-	9-17-97
EPA Received Congressional Letter from Borski	9-19-97

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EPA Took Documents Down to be Copied by  
Centennial Blueprint Company

9-19-97

Attempted to Take Samples at Franklin of Soil  
and Other Materials-Were Not Allowed but Reached  
Agreement on Sampling for 9-30-97

9-24-97

Meeting with Janet Bearden on Franklin  
Picked Up Documents at Centennial Blueprint

9-25-97

Took Samples at Franklin Smelting with Superfund  
and Roy F. Weston representatives

9-30-97

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## **Analysis of AMS Monitor Data and Discussion with Satish Suri**

I looked at the Laboratory Data that was provided by the Philadelphia Air Management Services and the breakdown of the data indicated the following:

PGW Monitor

### **Monthly Averages (Micrograms per Cubic Meter of Air for Lead)**

April, 1997	4.9962
May, 1997	1.9537
June, 1997	13.188

Average of Averages= 6.7126

Average of Individual Readings = 13 readings taken for quarter Apr-June, 1997=6.9766

Either way you go, average is way over the 1.5 micrograms lead per cubic meter of air standard.

Satish also stated the monitor readings for those days that Franklin was known to have been shutdown, namely:

2-3-97 PGW Monitor= 1.999 micrograms lead per cubic meter of air

3-17-97 NEL Monitor (Designated monitor-fairly new)= 5.624 micrograms lead per cubic meter of air

3-23-97 ITO Monitor= 4.112 micrograms lead per cubic meter of air

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